

Remarks

Reconsideration of the application is respectfully requested in view of the amendments and the discussion presented below. The amendments are supported by the application as filed and no new matter has been added by any of the amendments.

Amendments to the Claims

Claim 1 is amended to overcome the objection to the specification and the rejection of the claims as being indefinite, as explained in more detail below.

Claim 5 is amended to incorporate the limitations of the claims from which it depends, namely claims 1 (as amended) and 4, as explained in more detail below. Claim 5 is now an independent claim, but no additional claims fees are believed to be due.

Claims 1-5 are now present in this application.

The Objection to the Specification

Claim 1 is amended to recite that the retainer is provided with "elongated holes" rather than "windows." This terminology is supported by the specification. *See, e.g.*, specification at page 9, lines 3-13. It is respectfully submitted that the objection to the specification under 35 USC 132(a) should be withdrawn.

The Rejection of Claims 1-5 under 35 USC 112, second paragraph

Claim 1 has been amended to delete the "-like" from the recitation of the wedge members limitation so that this limitation reads "a plurality of wedge members each assuming a roller shape." It is respectfully submitted that the indefiniteness rejection of claim 1 and its dependent claims 2-5 should be withdrawn.

The Rejection of Claims 1-4 under 35 USC 102(b)

The Examiner rejected claims 1-4 as being anticipated by U.S. patent 592,213 to Smith. The Applicants disagree.

In the response to the previous office action, the Applicants pointed out that Smith disclosed a hand drill wherein a tool (drill B) having a predetermined shape is retained in a

spindle (A) having a socket (a) specially shaped for receiving the drill. Although Smith discloses wedge members or "friction-rolls" (j), they are arranged in slots (i) of a casing (F) between the spindle (A), the flange (D), and the casing (F), and cannot contact whatever is inserted in the socket (a) of the spindle (A), namely the drill (B). The Applicants submitted that for this reason at least, even if the drill (B) were to be replaced by a fastening member, the fastening member would not be allowed to contact the wedge members. Smith therefore does not disclose or suggest a wrench as recited in claim 1 as amended, and in particular comprising a retainer *"provided with elongated holes for allowing the wedge members to contact the outer circumferential surface of the fastening member when said fastening member is engaged in the ring portion."*

The spindle (A) is a part of Smith's "hand drilling machine" and is not a fastening member. The spindle (A) is held within the flange D by the collars (h) fastened to the spindle (A) so that the "friction-rolls" (j) are held between the spindle (A) and the interior surface of the flange D, as is best shown in Figures 3 and 4 of Smith.

The Examiner did not even address this argument in the non-final office action mailed on February 6, 2006.

To anticipate a claim, the reference must teach every element of the claim and the elements in the reference must be arranged as required by the claim. M.P.E.P. § 2131. Smith does not teach or suggest at least the limitation quoted from claim 1. The Section 102(b) rejection of claim 1 over the Smith reference should be withdrawn for at least this reason.

Claims 2-4 depend from claim 1 and are allowable for at least that reason.

The Allowable Subject Matter

The Examiner is thanked for stating that claim 5 would be allowable if rewritten to overcome the rejections under 35 USC 112, second paragraph and to include all of the limitations of the base claim and any intervening claims. Claim 5 has been amended as suggested by the Examiner and should be allowable.

Conclusion

In view of the above, the Applicants submit that the application is now in condition for allowance and respectfully urges the Examiner to pass this case to issue. The Examiner is respectfully invited to telephone the undersigned attorney as needed in order to advance the examination of this application.

* * *

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

May 08, 2006

(Date of Transmission)

Aileen M. Shrestha

(Name of Person Transmitting)

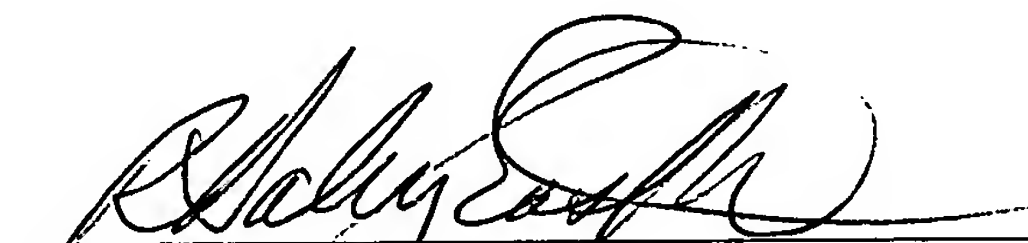


(Signature)

May 08, 2006

(Date)

Respectfully submitted,



R. Dabney Eastham

Attorney for Applicants

Reg. No. 31,247

LADAS & PARRY LLP

5670 Wilshire Boulevard, Suite 2100

Los Angeles, California 90036

(323) 934-2300 voice

(323) 934-0202 facsimile

reastham@ladas.com